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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF MARTIE
KUTSCHER IN SUPPORT OF
FACEBOOK, INC.'S CORRECTED
REQUEST TO APPROVE FACEBOOK'S
SEARCH STRING PROPOSAL FOR
CUSTODIAN GROUPS 1-4**

I, Martie Kutscher, hereby declare as follows:

1. I am an associate at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Facebook, Inc. (“Facebook”) in the above-captioned matter. I am a member in good standing of the State Bars of California, New Jersey, and New York. I submit this declaration in support of Facebook’s Corrected Request to Approve Facebook’s Search String Proposal for Custodian Groups 1-4. I make this declaration on my own knowledge, and I would testify to the matters stated herein under oath if called upon to do so.

2. On October 16, 2020, Facebook filed under seal temporarily its Request to Approve Facebook’s Search String Proposal for Custodian Groups 1-4 (“Original Facebook Brief”), and Plaintiffs’ filed under seal temporarily Plaintiffs’ Submission Regarding Disputed Search Strings and Exhibits A to O thereto (“Plaintiffs’ Submission”).

3. Before filing these submissions, the parties continued to meet and confer, revise, and accept search strings until 11:30 p.m. on October 15, 2020, the evening before the search string submission were due.

4. On October 22, 2020, Plaintiffs informed Facebook that Plaintiffs do not dispute one search string included in the Original Facebook Brief (Plaintiffs’ 458), and that Plaintiffs continue to dispute two strings that were not included in Facebook’s original submission (Plaintiffs’ 224 and 524).

5. Facebook’s Corrected Request to Approve Facebook’s Search String Proposal for Custodian Groups 1-4 includes only the following changes from the Original Facebook Brief: Facebook (i) removed its argument regarding Plaintiffs’ 458, which appeared on page 24 of its prior submission; and (ii) included its arguments regarding Plaintiffs’ 224 and 524, which appear on pages 12 and 23 of the Facebook Corrected Brief. Facebook also revised its proposed order and Exhibit C to this declaration to remove Plaintiffs’ 458 and include Plaintiffs’ 224 and 524.

Except for those revisions, Facebook has made no other changes to its submission.

6. A true and correct copy of Facebook's final search string proposal, as of October 16, 2020, for the 38 custodians in Custodian Groups 1-4 is attached hereto as **Exhibit A**.

Facebook has made no changes to this exhibit since filing it on October 16, 2020. Dkt. 544-3.

7. A true and correct copy of the list of search strings agreed upon by the Parties, as of October 16, 2020, for the 38 custodians in Custodian Groups 1-4, is attached hereto as **Exhibit B**. Facebook has made no changes to this exhibit since filing it on October 16, 2020. Dkt. 544-4.

8. A true and correct copy of the list of search strings that remain in dispute, as of October 16, 2020, for the 38 custodians in Custodian Groups 1-4, is attached hereto as **Exhibit C**. Since filing this Exhibit on October 16, Dkt. 544-5, the only change that Facebook made to Exhibit C is adding Plaintiffs' strings 224 and 524. The exhibit remains dated October 16, 2020 because it reflects the terms in dispute as of that date.

9. A true and correct list of the Requests for Production contained within the Second, Third, and Fourth Sets of Requests for Production served by Plaintiffs in this action is attached hereto as **Exhibit D**. For ease of review, an attorney in my office consolidated these requests into a single document. Facebook has made no changes to this exhibit since filing it on October 16, 2020. Dkt. 544-6.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 24, 2020 in Palo Alto, California.

/s/ Martie Kutscher

Martie Kutscher